

REMARKS

Claims 1-23, 25-29 and 33-40 are currently pending in the application. Claim 24 has been canceled. Claims 1 and 14 have been amended. Applicant respectfully submits that no new matter has been added. Applicant respectfully requests reconsideration of the application in view of the foregoing amendments and the following remarks.

Claims 4-8 and 11-24 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant appreciates the Examiner's indication of allowable subject matter.

Claims 1-29 and 33-40 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response, Applicant has amended independent claim 1 to define the term "multilevel structure". Applicant respectfully submits that the § 112 rejection of claims 1-29 and 33-40 be withdrawn.

Claims 1-3, 9-10, 25-29, 33-34, and 37-40 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,359,589 to Bae ("Bae"). In response, Applicant has amended independent claim 1 to include the features of dependent claim 24. Claim 24 has been indicated by the Examiner to represent allowable subject matter. In addition, Applicant has amended dependent claim 14, which has been indicated by the Examiner to represent allowable subject matter, into an independent claim by including features from independent claim 1. Applicant respectfully submits that independent claims 1 and 14 distinguish over Bae and are in condition for allowance.

Dependent claim 2-3, 9-10, 25-29, 33-34, and 37-40 depend from and further restrict independent claim 1 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 1, dependent claims 2-3, 9-10, 25-29, 33-34, and 37-40 also distinguish over Bae. Withdrawal of the rejection of dependent claims 2-3, 9-10, 25-29, 33-34, and 37-40 is respectfully requested.

Claim 35 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bae in view of U.S. Patent No. 6,400,330 to Maruyama et al. ("Maruyama"). Claim 35 depends from and further restricts independent claim 1 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 1, dependent claim 35 also distinguish over Bae. Maruyama fails to cure the deficiencies of Bae noted above. Withdrawal of the rejection of dependent claim 35 is respectfully requested.

Claim 36 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bae in view of U.S. Patent No. 6,271,798 to Endo et al. ("Endo"). Claim 36 depends from and further restricts independent claim 1 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 1, dependent claim 36 also distinguish over Bae. Endo fails to cure the deficiencies of Bae noted above. Withdrawal of the rejection of dependent claim 36 is respectfully requested.

In view of the above amendment, Applicant respectfully submits that the present application is in condition for allowance. A Notice to that effect is respectfully requested.

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Respectfully submitted,

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